

LAW OFFICE OF GREGORY JAVARDIAN, LLC
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:
Penny Lynn Fusner
Debtor(s)

Chapter 13 Proceeding
17-16030 REF

**STIPULATION BY AND BETWEEN PENNY LYNN FUSNER AND CITIZENS
BANK OF PENNSYLVANIA**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Mary F. Kennedy on behalf of mortgagee, Citizens Bank of Pennsylvania ("Movant").

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. Movant is a mortgagee and holder of a perfected, secured claim against the Debtor pursuant to a Note and Mortgage on Debtor's real estate known as at 1138 N. 11th Street, Reading, PA 19604.
2. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and secured creditor, Citizens Bank of Pennsylvania, agree to the following:
 - (a) Debtor(s) acknowledges that the current regular monthly post-petition mortgage payment is \$553.33 per month. The monthly payment is

subject to change in accordance with the terms of the Note and Mortgage.

(b) Debtor(s) acknowledge that debtor(s) is currently due for the following amounts post-petition:

11/19/2017 payment	\$505.58
12/19/2017 payment	\$537.95
1/19/2018 payment	\$518.53
2/19/2018 payment	\$525.00
3/19/2018 Payment	\$535.59
4/19/2018 Payment	\$515.14
5/19/2018 Payment	\$521.96
6/19/2018 Payment	\$553.33
Motion for Relief Attorney Fees and Costs	\$1,031.00
TOTAL	\$5,244.08

(c) Commencing with the July 19, 2018 payment the Debtor(s) shall resume and shall continue to make all regular monthly post petition mortgage payments when they are due in accordance with said Note and Mortgage.

(d) Within fifteen (15) days of the Court's approval of this Stipulation, Debtor(s) shall file a Motion to amend the Plan to provide for the payment of the post-petition arrears of \$5,244.08 to Movant through the Plan.

(e) Within fifteen (15) days of the Court's approval of this Stipulation Movant shall amend its Proof of Claim to add the \$5,244.08 in post-petition arrears to its arrears claim.


(f) The provisions of the Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this

Stipulation, including fees and costs, due under the terms of the mortgage and applicable law.

- (g) The Debtor(s) shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, Movant may provide the Debtor(s) and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Citizens Bank of Pennsylvania its successors and/or assigns relief from the automatic stay without further notice and hearing.
- (h) Should Citizens Bank of Pennsylvania its successors and/or assigns be granted relief from the stay after filing a Certification of Default in accordance with paragraph 2(g) above, the parties agree that the said relief order shall include the following language: "Bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non Bankruptcy law." Debtor(s) have the right to object to any certificate of default filed by Movant.

(i) The parties agree that a facsimile may be submitted to the Court as if it were an original.


STIPULATED AND AGREED TO BY:


Brenna Hope Mendelsohn, Esquire
Attorney for Debtor, Penny Lynn Fusner

Date: 7/12/18


Mary F. Kennedy, Esquire
Attorney for Citizens Bank of Pennsylvania

Date: 7/12/18


Frederick L. Reigle, Esquire
Trustee

Date: 7/12/18

On this ____ day of _____, 2018, approved by the Court.

Date: July 18, 2018


United States Bankruptcy Judge
Richard E. Fehling

cc: Mary F. Kennedy, Esquire
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